

Chapter CXLII.

SUSPENSION OF THE RULES.

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6790. Motions to suspend the rules may be entertained by the Speaker on the first and third Mondays of each month and on the last six days of a session.

In making motions to suspend the rules individuals have the preference on the first Monday of the month and committees on the third.

No rule may be suspended except by a two-thirds vote.

The use of the motion to suspend the rules has gradually been restricted, while the functions of the Committee on Rules have been enlarged.

The gradual abolition of the motion with one day's notice as a means of changing the rules.

Present form and history of section 1 of Rule XXVIII.

Section 1 of Rule XXVIII provides for suspension of the rules:

No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

¹Dilatory motions are forbidden pending motion to suspend rules. (Sees. 5743–5752 of this volume.)

²Application of the rule for a call of the House when a motion for a second develops a lack of a quorum. (Secs. 3053–3055 of Vol. IV.)

³Motion to suspend the rules may be superseded by a question of privilege. (Sec. 2553 of Vol. 111.)

⁴Motion to amend may not be applied to a motion to suspend the rules. (Sec. 5322 of this volume.)

⁵A division of the question is not in order on the vote on a motion to suspend the rules. (Secs. 6141, 6142 of this volume.)

This rule has been subjected to many changes. In the First Congress, where the membership was small, no limitation was put upon motions to change the rules; but on November 13, 1794,¹ this rule was agreed to:

No standing rule or order of the House shall be rescinded without one day's notice being given of the motion therefor.²

On December 23, 1811, the words "or changed" were added after "rescinded."³ The next development came on March 13, 1822,⁷ when this clause was added:

Nor shall any rule be suspended, except by a vote of at least two-thirds of the Members present.

On April 26, 1828,⁵ the rule was still further fortified by a provision:

Nor shall the order of business, as established by the rules, be postponed or changed,⁶ except by a vote of at least two-thirds of the Members present.

For nearly twenty years the House continued under this arrangement until December 18, 1847,⁷ when this important modification was introduced:

Except during the last ten days of the session the Speaker shall not entertain a motion to suspend the rules of the House at any time except on Monday of every week.

Mr. Joseph A. Woodward, of South Carolina, suggested the ten days' limit. The remainder of the rule was reported by Mr. C. J. Ingersoll, of Pennsylvania, from the Committee on Rules. It was urged on the ground that, as Mr. Daniel M. Barringer, of North Carolina, expressed it, they had seen "week after week, and month after month, the whole morning hour, and perhaps two or three hours each day, consumed in making motions to suspend the rules, a motion which had become so common as to be considered almost a test vote."

The rule was subsequently modified so that motions to suspend the rules should not be in order on Monday until one hour after the reading of the Journal; but on June 8, 1864,⁸ this was amended in order to enable the Speaker to entertain motions before the expiration of the hour in case the call for the introduction of bills should be concluded earlier.

On June 22, 1874,⁹ Mr. Samuel J. Randall, of Pennsylvania, reported from the Committee on Rules and the House adopted an amendment reducing the limit at the end of a session from ten to six days. It was declared at the time that the limit of ten days was too long.

¹ Third and Fourth Congresses, Journal, p. 228. (Gales and Seaton ed.)

² On June 17, 1850 (First session Thirty-first Congress, Journal, pp. 1026, 1027; Globe, pp. 1225, 1226), Mr. Speaker Cobb ruled that the House might, by a two-thirds vote, on suspension day, change one of its rules without this preliminary notice.

³ See Report No. 38, first session Twelfth Congress.

⁴ First session Seventeenth Congress, Journal, p. 351.

⁵ First session Twentieth Congress, Journal, pp. 621, 634.

⁶ This rule seems to have been adopted to prevent the postponement of the orders of the day in order to prolong the morning hour wherein Members might present original subjects of legislation in the form of resolutions. See an instance on May 5, 1828 (First session Twentieth Congress, Debates, p. 2575).

⁷ First session Thirtieth Congress, Globe, p. 47.

⁸ First session Thirty-eighth Congress, Globe, p. 2810.

⁹ First session Forty-third Congress, Record, p. 5390.

In the revision of 1880¹ the Committee on Rules reported this form:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the Members present, nor shall the Speaker entertain a motion to suspend the rules except on every Monday after the call of States and Territories shall have been completed, and during the last six days of a session.

When this report was considered by the House, Mr. William P. Frye, of Maine, acting under instructions from the Committee on Rules, proposed as an amendment to strike out the words "every Monday" and insert in lieu thereof the words, "the first and third Mondays in each month," and after the word "completed" insert the words "preference being given on the first Monday to individuals and on the third Monday to committees."

Mr. Frye explained that the object in reducing the number of suspension Monday was to prevent waste of time. The privilege of suspension was used on "foolish propositions," intended merely for political effect, so that it had become a frequent custom of the House to adjourn to get rid of these motions.

It was objected that the amendment would put one more impediment in the way of an individual who wished to get before the House a proposition which a committee would not report. The House agreed to the amendment,² and the rule was thus perfected. It remained in that form until the revision of 1890,³ when the words "after the call of States and Territories shall have been completed" were omitted, as the new order of business had rendered this call unnecessary.⁴ In 1890 a clause was added also, providing that the rules might be suspended by a majority vote "to fix a day for the consideration of a bill or resolution already favorably reported by a committee, on motion directed to be made by such committee." This clause was dropped in the Fifty-second Congress and has not been restored.

In the Fifty-third Congress the first sentence of the rule, "No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor," was stricken out. It had been in the rule since 1794, and for many years had afforded the means whereby the rules were amended. The old usage was to introduce a resolution on one day, and on the next it would be agreed to by a majority vote. In this way, in 1842, the hour rule for debate was finally put into the rules,⁵ although at that time the practice of the Committee on Rules of reporting amendments to the rules had begun.⁶ Gradually the Committee on Rules was intrusted with all amendments, the end of the old system coming formally with a ruling made in 1887.⁷

Previous to this ruling there had been a division of opinion in the House on the subject.

¹ Second session Forty-sixth Congress, Record, p. 207.

² Second session Forty-sixth Congress, Record, pp. 1195, 1196.

³ First session Fifty-first Congress, House Report No. 23.

⁴ See section 3056 of Vol. IV of this work.

⁵ Second session Twenty-seventh Congress, Globe, p. 620; Journal, p. 954.

⁶ First session Twenty-seventh Congress, Journal, p. 154; second session Twenty-seventh Congress, Globe, p. 152.

⁷ See sections 6769–6781.

On July 18, 1882,¹ the question arose as to whether, under the then form of Rule XXVIII, a standing rule or order of the House might be rescinded or changed by one day's notice and action in the House without reference to the Committee on Rules. Mr. Speaker Keifer seemed at first inclined to rule that reference would not be necessary, but Mr. Thomas B. Reed, of Maine, and others protested and he declined to rule, as the proposition to consider without reference was withdrawn. On April 12, 1884,² a Member called for a vote on a motion, which he had submitted the previous day under the terms of the rule, to rescind an existing special order. Mr. Speaker Carlisle expressed doubt as to whether the motion was admissible under the rule and submitted the question to the House, which decided it inadmissible, yeas 78, nays 101.

The last change in the rule was made in the Fifty-fourth Congress, when the words "two-thirds of the Members voting, a quorum being present," were substituted for "two-thirds of the Members present."³

6791. In the later practice it has been held that the rules permit, but do not require, the Speaker to entertain motions to suspend the rules.—On June 18, 1894,⁴ Mr. William H. Hatch, of Missouri, moved that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue.

Mr. William M. Springer, of Illinois, submitted the question of order whether under provisions of Rule XXVIII,⁵ and the practice of the House in respect thereto, it was not the duty of the Chair to call the standing committees for the purpose of enabling them to present motions to suspend the rules.

The Speaker pro tempore⁶ held that Rule XXVIII merely permitted, but did not require, the Speaker to entertain motions to suspend the rules on the first and third Mondays.⁷

6792. On May 7, 1900,⁸ the first Monday of the month and therefore individual suspension day, Mr. William Sulzer, of New York, demanded recognition, to move a suspension of the rules for the purpose of passing a resolution, which he presented.

The Speaker⁹ declined to recognize Mr. Sulzer, saying:

The Chair will recognize no gentleman unless he has some knowledge of what is going to be called up.

¹First session Forty-seventh Congress, Record, pp. 6174, 6175.

²First session Forty-eighth Congress, Record, p. 2905.

³First session Fifty-fourth Congress, Journal, p. 107.

⁴Second session Fifty-third Congress, Journal, p. 438; Record, p. 6476.

⁵See section 6790 of this chapter.

⁶Joseph W. Bailey, of Texas, Speaker pro tempore.

⁷This ruling followed the practice. On February 28, 1881 (third session Forty-sixth Congress, Record, p. 2230), Mr. Speaker Randall held that recognition for the motion to suspend the rules was within the discretion of the Chair, and affirmed his right to refuse to recognize for the motion. Again, on March 1 (Record, p. 2297), Mr. Speaker Randall declared that it was not compulsory on the Speaker under the terms of the rule to recognize for the motion to suspend the rules. He further held that it had never been the practice to permit a Member to be taken off the floor by a motion to suspend the rules. But before the time of Mr. Speaker Randall the Speakers do not seem to have exercised this control over the motion.

⁸First session Fifty-sixth Congress, Record, p. 5227.

⁹David B. Henderson, of Iowa, Speaker.

A little later Mr. Sulzer rose and demanded recognition.

The Speaker having asked for what purpose the gentleman arose, Mr. Sulzer replied that he wished to move a suspension of the rules to pass a resolution expressing sympathy with the Boers.

The Speaker said:

The Chair declines to recognize the gentleman from New York at this time. * * * The Chair must exercise his duty to this House and recognize Members upon matters which the Chair thinks should be considered.

6793. On June 7, 1900,¹ Mr. John J. Lentz, of Ohio, rising to a parliamentary inquiry, said:

Inasmuch as the House has fixed upon a resolution to adjourn, is it not in order for me to move to suspend the rules and move that the testimony in the Coeur d'Alene labor troubles be printed?

The Speaker² replied:

The Chair refuses to recognize the gentleman for that purpose, and the Chair under the law has that discretion.

6794. On February 3, 1893,³ Mr. Speaker Crisp, in the course of the discussion of a point of order, said:

The Chair fully appreciates the fact that according to the practice, which has always prevailed the motion to suspend the rules has been one depending on recognition; that is, it can not be made unless the Member is recognized to make it. The Chair, in speaking of this motion as one of the highest privilege, did not mean to convey the idea that necessarily when the day comes for motions to suspend the rules the Chair must recognize a gentleman to make such motion.

This statement was brought about by a question raised by ex-Speaker Reed, who thought that the ruling of the Chair might be construed as laying down the doctrine that the motion to suspend the rules was privileged, and who himself took the view which the Speaker enunciated above.

6795. Instance wherein a motion to suspend the rules was by unanimous consent entertained on a day other than a suspension day.—On February 23, 1906,⁴ not a suspension day, Mr. William Richardson, of Alabama, asked unanimous consent that he might make a motion to suspend the rules and agree to a concurrent resolution providing for certain amendments to the enrolled bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, which, in response to a concurrent resolution of the Senate and the House, was sent by the President of the United States back to this House.

Mr. John Dalzell, of Pennsylvania, made the point of order that this was not a suspension day, and cited the rule as to suspension, saying:

This rule says:

“Nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month.”

Now, it seems to me the request for unanimous consent is against that, and it seems to me it would be a very bad precedent.

¹ First session Fifty-sixth Congress, Record, p. 6890.

² David B. Henderson, of Iowa, Speaker.

³ Second session Fifty-second Congress, Record, p. 1255.

⁴ First session Fifty-ninth Congress, Record, pp. 2889–2891.

I do not wish to be misunderstood with respect to the merits of the bill. I am not talking about that now. I am talking about the question of the rules; and it seems to me that it was the intention of the rule to place a limitation upon the power of the House by placing a limitation on the power of the Speaker. It says that he shall not entertain a motion to suspend the rules. It is very much like the case of the rule that prohibits the Speaker from entertaining a motion to permit parties not permitted by the rule to come upon the floor of the House.

The Speaker¹ said:

But that rule, the gentleman will recollect, prohibits the Speaker from submitting a request for unanimous consent. This rule does not. The Chair could not and would not entertain a motion on any except the two Mondays specified, but this comes by a request for unanimous consent that the Speaker shall entertain a motion to suspend the rules under the terms of Rule XXVIII. It seems to the Chair that the House may under the rule, if it sees proper to do so, give unanimous consent.

6796. A motion to suspend the rules applies to the parliamentary law of Jefferson's Manual as well as to the rules of the House.—On August 23, 1852,² Mr. Speaker Boyd held that a motion to suspend the rules applied as well to the parliamentary law of Jefferson's Manual as to the rules of the House.

6797. A motion to suspend the rules is not submitted to the House until seconded by a majority on a vote by tellers.

Present form and history of section 2 of Rule XXVIII.

Section 2 of Rule XXVIII provides:

All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers if demanded.

On January 20, 1874,³ the House, after long debate, adopted this rule:

All motions to suspend the rules, except where they may be suspended by a majority,⁴ shall, before being submitted to the House, be seconded by a majority,⁵ as in the case of the previous question.⁶

Two years later this rule was abandoned; but when the revision of 1880⁷ occurred it was revived in the form which exists at the present time. It was intended to prevent the offering of "buncombe" resolutions, the idea being that a proposition which could not receive such a second should not take the time of the House.⁸

6798. Reference to a discussion of the nature of the demand for a second.—On May 20, 1858,⁹ Mr. Speaker Orr held that when the House refused to order the previous question after the demand was seconded that the vote on the second could not be reconsidered. There was considerable debate as to the nature of the motion to second.

¹ Joseph G. Cannon, of Illinois, Speaker.

² First session Thirty-second Congress, *Globe*, p. 2415.

³ First session Forty-third Congress, *Record*, pp. 783–792.

⁴ Before the revision of 1880 there was a provision for suspending one rule by majority vote. See section 5221 of this volume.

⁵ This would be a second by tellers, and the rule was debated at length in respect to its bearing on the constitutional right of one-fifth to demand the yeas and nays, as well as in its relations to the individual Member and the minority. (First session Forty-third Congress, *Record*, pp. 314, 783.)

⁶ The second of the previous question has not been required since 1880.

⁷ Second session Forty-sixth Congress, *Record*, pp. 1195, 1196.

⁸ It is quite common, by unanimous consent, to consider a second as ordered. (*Record*, first session Fifty-fourth Congress, pp. 3628, 3629; second session Fifty-fourth Congress, p. 2568.)

⁹ First session Thirty-fifth Congress, *Journal*, pp. 863, 864; *Globe*, pp. 2276, 2277.

6799. A motion to suspend the rules may not be debated until a second is ordered.—Mr. Speaker Keifer, on January 16, 1882,¹ held that there might be no debate on a motion to suspend the rules unless a second was demanded and ordered.

6800. On a motion to suspend the rules the right to demand a second is not necessarily precluded by preliminary debate.

When a motion to suspend the rules is entertained the Speaker is accustomed to ask at once, "Is a second demanded?"

On November 3, 1893,² the House was considering a motion of Mr. James D. Richardson, of Tennessee, to suspend the rules and concur in a Senate amendment to the joint resolution (H. Res. 86) to pay session and per them employees and other employees, etc.

A motion for a recess having been made and ruled not to be in order, and there having been debate, Mr. Joseph C. Hutcheson, of Texas, thereupon demanded a second to the motion to suspend the rules.

Mr. Richardson, of Tennessee, made the point of order that, there having been debate on the proposition, the right to demand a second had been thereby waived.

The Speaker,³ being of the opinion that the debate was on the simple motion to concur, and not on the motion to suspend the rules and concur, held that it was in order to demand a second on the latter motion.

The Speaker also stated that it was the practice, when a motion to suspend the rules was entertained and before the question was put, for the Chair to ask, Is a second demanded? which interrogatory had not been propounded by the Chair in the present case.

6801. On a motion to suspend the rules it is the right of a Member to demand a second, but not the duty of the Chair to call for it.—On April 2, 1900,⁴ Mr. F. W. Mondell, of Wyoming, moved to suspend the rules and pass the bill (S. 1475) in relation to the completion of a military post near the city of Sheridan, etc.

Debate being about to proceed, Mr. James D. Richardson, of Tennessee, made the point of order that a second had not been ordered.

The Speaker⁵ said:

It is not the business of the Chair to ask whether a second is demanded. It is the privilege of each Member to call for a second. That point is passed; but if the gentleman from Tennessee asks for a second the question will be submitted.

6802. On a motion to suspend the rules a member of the committee which reported the bill is entitled to priority over other opponents of the bill in demanding a second.—On Monday, February 6, 1905,⁶ Mr. Frank W. Mondell, of Wyoming, moved that the rules be suspended and that the House pass the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing

¹ First session Forty-seventh Congress, Record, p. 431.

² First session Fifty-third Congress, Journal, pp. 174, 175; Record, p. 3127.

³ Charles F. Crisp, of Georgia, Speaker.

⁴ First session Fifty-sixth Congress, Record, p. 3660.

⁵ David B. Henderson, of Iowa, Speaker.

⁶ Third session Fifty-eighth Congress, Record, p. 1941.

on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect.

Mr. John J. Fitzgerald, of New York, sought recognition to demand a second.

The Speaker announced that Mr. Henry McMorran, of Michigan, who had on a previous day objected to the consideration of the bill by unanimous consent, had requested recognition to demand the second.

Mr. John W. Maddox, of Georgia, was also on his feet asking recognition for the same purpose.

Mr. Fitzgerald than said:

Mr. Speaker, five members of the Committee on Indian Affairs have signed a minority report on this bill, and I think that one of those members is entitled to be recognized for the purpose of requesting a second.

The Speaker ¹ said:

The Chair will state to the gentleman from Michigan [Mr. McMorran] that as the gentleman from New York [Mr. Fitzgerald] is a member of the Committee on Indian Affairs, a minority report having been made, if he demands a second, under the usage of the House, the gentleman on the committee making the minority report is entitled to recognition to demand a second.

Thereupon Mr. Fitzgerald was recognized.

6803. On May 7, 1906,² Mr. William P. Hepburn, of Iowa, who was chairman of the Committee on Interstate and Foreign Commerce, moved to suspend the rules and agree to an order providing for the consideration of certain bills, among them the bill (S. 88) for preventing the misbranding and adulteration of foods, etc., which bill had been reported from the Interstate and Foreign Commerce Committee.

Messrs. John S. Williams, of Mississippi, and William C. Adamson, of Georgia, each demanded a second.

The Speaker ¹ said:

A gentleman who is opposed to the bill and on the committee would be entitled to demand a second.

Mr. Adamson, who was on the committee, stated that he was opposed to the bill, and was thereupon recognized.

6804. On February 26, 1897,³ Mr. Charles W. Stone, of Pennsylvania, moved to suspend the rules and pass the bill (S. 3547) to provide for an international monetary conference.⁴

Messrs. Thomas C. McRae, of Arkansas, Lemuel E. Quigg, of New York, and Alexander M. Dockery, of Missouri, asked recognition to demand a second.

The Speaker having recognized Mr. Quigg, the following point of order was made by Mr. James D. Richardson, of Tennessee:

The gentleman from Arkansas, Mr. McRae, who is a member of the committee and is opposed to the principle of this proposition, as I understand, rose and demanded a second. The Chair, in his discretion, recognized the gentleman from New York, Mr. Quigg, as calling for a second. The effect of that recognition, under our rules, is to put the control of the time on both sides in the hands of gentlemen on the same side of the question.

¹ Joseph G. Cannon, of Illinois, Speaker.

² First session Fifty-ninth Congress, Record, p. 6464.

³ Second session Fifty-fourth Congress, Record, p. 2365.

⁴ For rules relating to suspension of the rules see section 6790 of this volume.

The Speaker¹ said:

The gentleman is correct as to the practice, but the Chair was informed, or supposed he was informed, by the gentleman from Arkansas that he was in favor of the proposition, and therefore told him that he thought he ought to recognize somebody who was opposed to it. If the Chair was mistaken in that, he will accord recognition to the gentleman from Arkansas. * * * The Chair desires to recognize Members in accordance with a distinct understanding that a part of the time goes to one side of the question and a part to the other.

6805. The motion to suspend the rules on a committee suspension day must be authorized formally and specifically by a committee.—On February 17, 1890,² Mr. Samuel W. T. Lanham, of Texas, moved that the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill of the House (H. R. 3923) to provide for the sale of the site of Fort Bliss, Tex., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon, and pass the same with amendments reported by the Committee on Military Affairs.

Mr. Joseph G. Cannon, of Illinois, made the point of order that the motion was not in order, not being authorized by the Committee on Military Affairs to be made.

Mr. Byron M. Cutcheon, of Michigan, speaking for the Committee on Military Affairs, said that members of the committee had held no meeting on the subject, but had informally assented that the motion to suspend the rules should be made.

The Speaker¹ sustained the point of order on the ground that such direction must be given by the committee acting as a committee.

6806. Also, on February 17, 1890,³ Mr. Lewis E. Payson, of Illinois, moved that the rules be suspended so as to enable him to introduce and the House to pass a bill providing for the compulsory attendance of witnesses before registers and receivers of local land offices, and for other purposes, as a substitute for H. R. 3179 with the same title.

Mr. Benton McMillin, of Tennessee, made the point of order that unless Mr. Payson was authorized specifically by the Committee on the Public Lands to make the motion it could not be entertained.

Mr. Payson having stated that the committee had not specifically directed such motion to be made, the Speaker¹ held the motion to be not in order.

6807. On May 21, 1900,⁴ a committee suspension day, Mr. Vespasian Warner, of Illinois, moved to suspend the rules and pass the bill (H. R. 4345) to create a new Federal judicial district in Pennsylvania.

Mr. John Dalzell, of Pennsylvania, raised a question as to whether the Committee on the Judiciary had authorized the motion to be made.

Mr. Warner stated that the committee had directed him to report the bill and ask for its passage, making no limitation as to how it should be passed.

After debate, the Speaker⁵ said:

This is a matter that ought to be thoroughly understood by the Members of the House. The Chair is aware that some committees have usually at the commencement of their work passed a resolution

¹Thomas B. Reed, of Maine, Speaker.

²First session Fifty-first Congress, Journal, p. 242; Record, p. 1405.

³First session Fifty-first Congress, Journal, p. 242.

⁴First session Fifty-sixth Congress, Record, p. 5821; Journal, p. 604.

⁵David B. Henderson, of Iowa, Speaker.

to the effect that any bill reported from that committee favorably should be subject to the control of the party reporting it, so that he could call it up by unanimous consent or on a call of committees, if on the House Calendar, on committee or individual suspension day by any and all methods known under the rules.

The Chair is aware of one committee where this was done in two Congresses. Of course no question was ever raised on this method; and when a member of the committee, the chairman or others, rose and stated that he was authorized by the committee to report a certain bill and ask its passage under suspension of the rules, no question was made. The gentleman from Illinois in calling up this bill used the expression that it is customary; and the Chair has during this session in many instances, where parties proposed calling up a bill under suspension on committee suspension day, cautioned them to get authority of the committee to pass a specific bill—a specific authority; and the Chair is of the opinion, from what examination he has given to the question, that that is the method that should be pursued.

There are two authorities, which will be found in Hinds's Book of Rules, on pages 837 and 838,¹ which the Chair has just read, and which are thoroughly summed up in what may be termed the caption of the decision:

“The motion to suspend the rules on a committee suspension day must be formally and specifically authorized by a committee.”

That certainly contains the thought that the committee must have in mind that particular bill when that particular action is taken. Although in the past the present occupant of the chair has used the other method, by a general rule or motion adopted by the committee of which he was chairman, and which was never called in question, still, when brought face to face specifically with this rule, the Chair feels constrained to hold that in order to move to suspend the rules on a committee suspension day on any bill that bill should be specially considered by the committee reporting it and that the authority to move to suspend the rules on suspension day should be given by the committee. The point made by the gentleman from Pennsylvania [Mr. Dalzell] is sustained.

6808. After a motion to suspend the rules has been seconded and debate has begun it is too late to make the point of order that the motion has not been authorized by a committee.—On December 15, 1890,² a committee suspension day, a motion was made on behalf of the Military Affairs Committee to suspend the rules and pass a bill to erect a monument to the victims of British prison ships.

The point of order was made by Mr. Joseph G. Cannon, of Illinois, that the Military Affairs Committee had not directed the motion for suspension to be made; and the debate showed doubt on this point. So the Speaker³ ruled:

The Chair desires to say in regard to this matter * * * that, while it is perfectly true that the action of the House is dependent upon the prior action of the committee, nevertheless there must of necessity be always a point beyond which a challenge to the fact cannot go. This matter was brought before the House upon the personal declaration of a member of the Committee on Military Affairs, and the proceeding was sustained by the chairman of that committee. The commencement was made with regard to the debate after a second had been ordered upon the motion. The Chair thinks, under rulings hitherto made, that the preliminary facts on which the jurisdiction was dependent can not be contested after the debate begins, and the Chair sees no other way by which such questions could possibly be settled. The Chair, however, has less reluctance in making the decision, because it is a matter entirely within the power of the House, which can always take such action as the House deems suitable with regard to the disposition of the bill itself. The Chair overrules the point of order.

6809. If, on a committee suspension day, an individual motion to suspend the rules is made and seconded it is then too late to make a

¹ Now sections 6805 and 6806 of this work.

² Second session Fifty-first Congress, Record, p. 489.

³ Thomas B. Reed, of Maine, Speaker.

point of order.—On April 16, 1888,¹ on a committee suspension day, Mr. Poindexter Dunn, of Arkansas, announced that the Committee on the Merchant Marine and Fisheries waived its privileges under the call in order that he might yield for a Member to present an important public measure.

Thereupon Mr. Beriah Wilkins, of Ohio, offered, on motion to suspend the rules, a resolution relating to the use of the surplus in the Treasury for the redemption of Government bonds.

A second having been ordered, and Mr. Wilkins having taken the floor for debate, Mr. J. B. Weaver, of Iowa, proposed to raise a point of order.

The Speaker² held that it was too late, as a second had been ordered and debate had begun.

After the debate had proceeded, Mr. Charles N. Brumm, of Pennsylvania, made the point of order that the resolution had not been presented by a committee, and this being committee suspension day, was irregularly before the House.

The Speaker said:

But this does not purport to come from a committee. On the contrary, when the Chair called the Committee on the Merchant Marine and Fisheries, the chairman of that committee, the gentleman from Arkansas [Mr. Dunn], rose and stated that the committee waived its privilege and that he yielded to the gentleman from Ohio [Mr. Wilkins]. Thereupon the gentleman from Ohio, on his individual responsibility as a Member, offered the resolution, and moved to suspend the rules. A second was ordered by the House. Immediately upon that the gentleman from Iowa attempted to make the point of order, but the Chair held it was too late. * * * Motions to suspend the rules are in order on the first and third Mondays of each month. The rule provides that preference shall be given to individual Members on the first Monday and that preference shall be given to committees on the third Monday. The Chair gave preference to the Committee on the Merchant Marine and Fisheries, and called it in the regular order; but the gentleman from Arkansas waived the privilege of his committee under the rule, and yielded to the gentleman from Ohio.

While this may be, and the Chair deems it is, a departure from the practice which has heretofore prevailed since the adoption of this rule in the Forty-sixth Congress, yet it is not prohibited by the rule, and the point of order was not made until a second had been demanded and ordered.

6810. On committee suspension days the Speaker has in rare instances called the committees in regular order for motions to suspend the rules, but this method is not required.—On December 20, 1880,³ a committee suspension day, the Speaker⁴ announced:

This is the third Monday, when, according to the rule, committees of the House are entitled to recognition for motions to suspend the rules. The Chair has given a good deal of reflection as to the manner in which he should discharge this duty under the rule without discrimination among the committees of the House, and he has come to the conclusion as the result of his best judgment, that in the recognition of committees the Chair will call them in the order in which they appear in the rules. By this proceeding each committee will have an opportunity of one recognition for suspension of the rules before any other committee can have two opportunities for recognitions. The Chair thinks it is the most equitable mode to adopt. He therefore calls the Committee on Elections first. Of course these recognitions must be accompanied by the statement on the part of the gentleman moving to suspend the rules that his committee did actually by vote direct such motion to be made.⁵

¹ First session Fiftieth Congress, Record, pp. 3023, 3026; Journal, pp. 1649, 1650.

² John G. Carlisle, of Kentucky, Speaker.

³ Third session Forty-sixth Congress, Record, pp. 273, 274; Journal, p. 104.

⁴ Samuel J. Randall, of Pennsylvania, Speaker.

⁵ This practice of calling the committees in order did not become firmly established, and has not been followed in later years.

6811. On February 17, 1890,¹ a committee suspension day, the Committee on Coinage, Weights, and Measures was called.

Mr. Edwin H. Conger, of Iowa, said that he desired to reserve the right of the committee, in order that it should not lose its place in the call.

The Speaker² said:

The Chair does not mean to decide by making the call that such a course must be pursued in the future.

6812. A bill offered for passage on a committee suspension day may carry with it only such amendments as are authorized by the committee.—

On February 18, 1901,³ a committee suspension day, Mr. W. A. Rodenberg, of Illinois, moved to suspend the rules and pass the bill (H.R. 11709) authorizing a bridge over the Mississippi River at St. Louis, as reported by the Committee on Interstate and Foreign Commerce, with several amendments.

Mr. Oscar W. Underwood, of Alabama, raised a question of order as to the right of the gentleman to offer amendments other than the committee amendments.

The Speaker⁴ held that Mr. Rodenberg could present with the bill only such amendments as he had been authorized by the committee to offer.

6813. On a committee suspension day a committee may not present a motion to suspend the rules and pass a bill which has not been referred to it.—

On August 18, 1890,⁵ Mr. William Vandever, of California, when the Committee on the Irrigation of Arid Lands was called, presented a concurrent resolution authorizing certain expenditure for investigations as to artesian wells.

The point having been made that this had never been regularly referred to that committee, the Speaker² held:

The Chair thinks the matters upon which the committees can ask a suspension of the rules must be those matters referred to the committees. They can not originate legislation in this way any more than they can in any other. The Chair desires to call the attention of the House to the fact, in order that this may not be regarded as a precedent.

6814. A motion to suspend the rules pending and undisposed of on one suspension day is first in order on the next, the individual motion going over to committee day, and vice versa.—

On May 21, 1888,⁶ the Speaker announced as the regular order the motion to suspend the rules made by Mr. Henry H. Bingham, of Pennsylvania, and coming over from the last suspension day.

Mr. Knute Nelson, of Minnesota, made the point of order that the gentleman from Pennsylvania [Mr. Bingham] had made the motion as an individual Member and that it belonged to individual suspension day, and could not come over to a committee suspension day, but must await the next individual day.

¹ First session Fifty-first Congress, Record, p. 1405.

² Thomas B. Reed, of Maine, Speaker.

³ Second session Fifty-sixth Congress, Record, pp. 2598, 2599.

⁴ David B. Henderson, of Iowa, Speaker.

⁵ First session Fifty-first Congress, Record, p. 8772.

⁶ First session Fiftieth Congress, Record, p. 4474; Journal, p. 1956.

The Speaker ¹ said:

The Chair had occasion to examine and decide this question in the Forty-eighth Congress. The rule provides that it shall be in order on the first Monday and the third Monday in each month to move to suspend the rules, preference being given—that is the language of the rule—to individuals on the first Monday and to committees on the third Monday. Another rule, and the universal practice of the House, is that business unfinished at the time of an adjournment is resumed when that class of business next comes up for consideration. Now, the gentleman from Pennsylvania [Mr. Bingham], although not a member of the Committee on Indian Affairs, had a right, under the rules and practice of the House, to select any bill he chose, and more, as an individual Member, to suspend the rules and pass it. He made that motion with reference to this bill, and when the House adjourned that business was pending. The House this morning resumes the consideration of that class of business to which the gentleman's motion belongs, to wit, suspension of the rules, and it can make no difference whether the motion is made by an individual or by the authority of the committee. It is the class of business which regulates the matter, and that, as the Chair has just said, is suspensions of the rules, and there can not be two motions to suspend the rules pending at the same time. The one pending must be disposed of before another one can be entertained by the Chair. The Chair therefore thinks the point of order is not well taken.

6815. On January 21, 1889,² the Speaker announced the regular order to be the consideration of motions to suspend the rules.

Thereupon Mr. William Warner, of Missouri, called up his motion submitted on August 6, 1888, and since that time pending. Mr. Warner withdrew a modification thereof heretofore made by him, and submitted in a new form an order providing for the consideration of the bill (H. R. 10614) to organize the Territory of Oklahoma.

The rules were suspended and the order was agreed to, 163 yeas, 76 nays.

6816. On June 6, 1896,³ the Speaker⁴ announced that the matter before the House first in order was the unfinished business coming over from the last suspension day, being the motion of the gentleman from New York [Mr. James S. Sherman] to suspend the rules and pass the bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes.

The question being taken on the motion to suspend the rules and pass the bill, two-thirds voting in favor thereof, the rules were suspended and the bill passed.⁵

6817. A motion to suspend the rules, made on one suspension day but not seconded, comes up as unfinished business on the next suspension day.—On May 2, 1898,⁶ the first Monday of the month, Mr. Israel F. Fischer, of New York, rising to a parliamentary inquiry, stated that on April 4, under suspension of the rules, he called up a certain bill (S. 1126) for the relief of Robert Platt, and that after the bill had been read the House adjourned. He therefore inquired whether or not the bill was unfinished business.

¹ John G. Carlisle, of Kentucky, Speaker.

² Second session Fiftieth Congress, Journal, p. 321; Record, p. 1062.

³ First session Fifty-fourth Congress, Record, p. 6197.

⁴ Thomas B. Reed, of Maine, Speaker.

⁵ This day was a suspension day by virtue of a special order from the Committee on Rules.

⁶ Second session Fifty-fifth Congress, Record, p. 4521.

The Speaker¹ held that the bill was the unfinished business.²

6818. A motion to suspend the rules on which a second fails to be ordered does not come up as unfinished business on the next legislative day.—On March 1, 1893,³ Mr. William H. Hatch, of Missouri, moved to suspend the rules and concur in the amendments of the Senate to the bill (H. R. 7845) defining “options” and “futures,” imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. C. R. Breckinridge, of Arkansas, made the point of order that when the House adjourned on the preceding day the pending question was on the motion submitted by him [Mr. Breckinridge] to suspend the rules and pass the bill (S. 115) for the relief of William Burns, pending the vote on seconding which motion the House had adjourned.

The Speaker⁴ overruled the point of order, holding as follows:

The Chair will call the attention of the House to the rule. It does not seem to the Chair that there can be any doubt about the question:

“All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers.”

The day before yesterday the Chair recognized the gentleman from Arkansas [Mr. Breckinridge] to submit a motion to suspend the rules and pass a certain bill. Before the motion was submitted to the House a second was demanded by tellers under the rule. Tellers were appointed, and no quorum having appeared the House adjourned. That motion then was not before the House. It had not been submitted to the House in the language of the rule, for the reason that it had not been seconded by a majority, as the rule required. On yesterday the Chair again recognized the gentleman from Arkansas, and the same question came up before the House. No second was ordered. Now, certainly the most that can be claimed for a motion to suspend the rules and pass a bill, when a gentleman is recognized for that purpose, would be the right to maintain it before the House during that legislative day, and certainly under no system of reasoning that the Chair is familiar with could it go over from day to day. The recognition to make the motion and to ask the House for a second might give the right to hold it before the House until adjournment, but it certainly would not give it the right, as unfinished business, to come up from day to day. Therefore the Chair entertains the motion of the gentleman from Missouri [Mr. Hatch].

6819. A bill which, on a suspension day, was withdrawn with an agreement that it should be unfinished business on the next suspension day was held to continue as unfinished business, although not called up on the day named.—On February 6, 1899,⁵ a suspension day, Mr. Israel F. Fischer, of New York, called up the bill (S. 1126) authorizing the President to appoint Lieut. Robert Platt, U. S. Navy, to the rank of commander. This bill had been before the House on a former suspension day, May 2, 1898, and on that day had been disposed of as shown by the following entry in the Journal:

Pending further consideration in the House, the bill was withdrawn to be pending as unfinished business on next suspension day.

¹Thomas B. Reed, of Maine, Speaker.

²On August 5, 1850 (First session Thirty-first Congress, *Globe*, p. 1518), Mr. Speaker Cobb held that a motion to suspend the rules, made on one suspension day and unacted on, came up on the next suspension day. This was before the requirement of the second had been instituted.

³Second session Fifty-second Congress, *Journal*, p. 122; *Record*, p. 2353.

⁴Charles F. Crisp, of Georgia, Speaker.

⁵Third session Fifty-fifth Congress, *Record*, pp. 1501, 1502.

Mr. Joseph W. Bailey, of Texas, made the point of order that a bill undisposed of on a suspension day would not come up again as unfinished business.

The Speaker¹ said:

Probably the reasoning of the gentleman may be correct, but the custom of the House, the Chair thinks, has been different. Matters have gone over to various suspension days; for instance, if the unfinished motion for suspension be made by a committee, it would go over to committee suspension day; at any rate, it would go over to that or the next suspension day.

Mr. Alexander M. Dockery, of Missouri, made the point of order that the bill had been made unfinished business on the "next suspension day," and not having been called up then was not now in order.

The Speaker held:

The Chair thinks the bill is before the House as unfinished business; and if it was unfinished business on the next suspension day, it would come up as unfinished business. The fact that unfinished business is not taken up does not destroy its status.

6820. Except as specially provided by rule, the motion to suspend the rules is not debatable.

When the pressure of business began to make necessary a rigid rule for the order of business, the motion to suspend the rules began to be used frequently to modify the rigors of that rule. (Footnote.)

Illustration of the early method of closing general debate in Committee of the Whole.

On January 12, 1842,² Mr. Millard Fillmore, of New York, moved a suspension of the rules for the purpose of enabling him to submit a resolution to close debate in the Committee of the Whole House on the state of the Union on House bill No. 67, to authorize an issue of Treasury notes.³

Mr. Robert B. Rhett, of South Carolina, attempted to debate; but on a point of order made by Mr. Edward Stanley, of North Carolina, the Speaker⁴ I ruled that a motion to suspend the rules⁵ was not debatable.⁶

6821. Forty minutes of debate are allowed on a motion to suspend the rules, one-half for those favoring and one-half for those opposing.

Forty minutes of debate are allowed whenever the previous question is ordered on a proposition on which there has been no debate.

¹Thomas B. Reed, of Maine, Speaker.

²Second session Twenty-seventh Congress, Globe, p. 121.

³This was before the rule allowing general debate in Committee of the Whole to be closed by a majority vote had been adopted permanently. It had been tried experimentally in the preceding session.

⁴John White, of Kentucky, Speaker.

⁵Prior to this, on June 1, 1832 (First session Twenty-second Congress, Debates, p. 3236), Mr. Speaker Stevenson ruled that the motion to suspend the rules was not debatable. The motion was at that time coming into frequent use because of the press of business and the necessity for a rigid rule for the order of business.

⁶In the revision of the rules in the second session of the Forty-sixth Congress the principle was adopted of allowing a limited debate (thirty minutes formerly and forty minutes at present) on the motion to suspend the rules.

Present form and history of section 3 of Rule XXVIII.

Section 3 of Rule XXVIII provides:

When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

This rule is a result of the debate on the report of the Committee on Rules in 1880. It was not in the report of the committee, but as the debate progressed the first clause was offered by the Committee on Rules, with the intention of giving Members an opportunity to explain their motion to suspend the rules.¹ There had recently occurred several conspicuous instances showing the desirability of this rule. On November 5, 1877,² the House, on motion of Mr. Richard D. Bland, of Missouri, passed, under suspension of the rules, without any debate being possible, a bill providing for the free coinage of silver. On January 28, 1878,³ the House in the same way and against the protest of Mr. James A. Garfield, of Ohio, passed a concurrent resolution from the Senate declaring the coin bonds of the United States payable in a silver dollar of 412½ grains; and on February 24, 1879,⁴ the sundry civil appropriation bill carrying an appropriation of nineteen millions of dollars.⁵ In the first form of the rule, thirty minutes of debate were given. In 1890⁶ this was lengthened to forty minutes. In the Fifty-second and Fifty-third Congresses the old limit of thirty minutes was restored; but since the Fifty-fourth Congress the time has been forty minutes.

The second clause of the rule, giving the same limit of debate after the ordering of the previous question, was offered as an amendment by Mr. John Randolph Tucker, of Virginia, and adopted.⁷ It was intended to prevent passing measures without a word of debate, as had often been done.⁸

6822. On a motion to suspend the rules the forty minutes of debate are allowed, although the proposition presented may not be debatable otherwise.—On March 3, 1893,⁹ Mr. William S. Holman, of Indiana, submitted a conference report on the amendment of the Senate to the bill H. R. 10238, and the conference report was agreed to.

Mr. Holman moved to reconsider the vote by which the conference report was agreed to. Thereupon Mr. Holman moved that the rules be suspended, and that the motion to reconsider lie on the table.

¹ Second session Forty-sixth Congress, Record, p. 1196.

² First session Forty-fifth Congress, Record, p. 241.

³ Second session Forty-fifth Congress, Record, pp. 627, 628.

⁴ Third session Forty-fifth Congress, Record, pp. 1870, 1871.

⁵ On May 17, 1880 (second session Forty-sixth Congress, Record, p. 3434), a river and harbor bill carrying nine millions of dollars was passed under suspension of the rules, but not under the old conditions.

⁶ House Report No. 23, first session Fifty-first Congress.

⁷ Second session Forty-sixth Congress, Record, p. 1199.

⁸ Thus, in 1842, a resolution censuring Mr. Joshua R. Giddings, of Ohio, was passed under the operation of the previous question, without giving opportunity for debate or even for an explanation by Mr. Giddings. See section 1256 of Vol. II of this work.

⁹ Second session Fifty-second Congress, Journal, p. 142; Record, p. 2606.

Mr. David A. De Armond, of Missouri, moved that the House adjourn; which motion was disagreed to.

The motion of Mr. Holman to suspend the rules was seconded on a vote by tellers.

Mr. De Armond claimed the floor to debate the motion; whereupon,

Mr. William D. Bynum, of Indiana, made the point of order that a motion to lay on the table not being debatable, the motion to suspend the rules and agree to the undebatable motion was not debatable.

The Speaker¹ overruled the point of order, holding that the rule for thirty minutes' debate² on a motion to suspend the rules applied to all propositions sought to be passed under suspension of the rules, whether the main question was debatable or not under the ordinary rules of the House.

6823. On a motion to suspend the rules the Member demanding a second divides with the mover the forty minutes of debate.—On March 2, 1901,³ Mr. Nehemiah D. Sperry, of Connecticut, moved to suspend the rules and pass the bill (H. R. 12551) to prevent the sale of firearms, etc., in certain islands of the Pacific.

Mr. Joseph W. Bailey, of Texas, demanded a second.

Mr. Sperry asked unanimous consent that a second might be considered as ordered.

Mr. Bailey having objected, the vote was taken and the second ordered.

Thereupon the Speaker⁴ recognized Mr. Sperry to control twenty minutes of time for the measure and Mr. Bailey to control twenty minutes in opposition.

6824. On May 1, 1882,⁵ Mr. Speaker Keifer held that the time for debate allowed the Member who demands a second for the motion to suspend the rules should belong to those opposing the measure, but declined to interfere when it was charged that the Member who had demanded the second and was controlling the time in opposition was not acting in good faith.

6825. A question of high privilege being before the House, the Speaker held that a motion to suspend the rules and pass a bill was not in order.—On March 3, 1885,⁶ the report of the Committee on Elections in the Iowa contested election case of *Frederick v. Wilson* was before the House, when Mr. Samuel J. Randall, of Pennsylvania, moved to suspend the rules and pass a bill which he presented.

The Speaker⁷ ruled that a motion to suspend the rules was not in order if objected to while other motions were pending before the House. * * * Under the rules of the House a motion to suspend the rules was simply a motion which, like any other parliamentary motion, was in order when there was not another matter pending before the House.

¹ Charles F. Crisp, of Georgia, Speaker.

² Forty minutes are now allowed.

³ Second session Fifty-sixth Congress, Record, pp. 3444, 3445.

⁴ David B. Henderson, of Iowa, Speaker.

⁵ First session Forty-seventh Congress, Record, p. 3477.

⁶ Second session Forty-eighth Congress, Record, p. 2565.

⁷ John G. Carlisle, of Kentucky, Speaker.

6826. On December 4, 1876,¹ Mr. George W. McCrary, of Iowa, as a question of privilege, moved that the oath of office be administered to Mr. C. W. Buttz as a Representative from the Second Congressional district of the State of South Carolina.

Thereupon Mr. Abram S. Hewitt, of New York, moved to suspend the rules and adopt certain resolutions submitted by him.

The Speaker² decided that, pending the decision of so high a question of privilege as the right of a Member to a seat, a motion to suspend the rules was not in order.

6827. A motion to suspend the rules may be entertained, although a bill on which the previous question has been ordered may be pending.— On August 1, 1892,³ Mr. William S. Holman, of Indiana, moved to suspend the rules and pass a joint resolution (H. Res. 159) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

Mr. Albert J. Hopkins, of Illinois, made the point of order that the motion of Mr. Holman was not in order and that the business first in order was the consideration of the amendments of the Senate to the bill (H. R. 7520) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes, upon which the previous question had been ordered, which amendments were pending when the House adjourned on Saturday last.

The Speaker⁴ overruled the point of order, holding that this being the first Monday of the month it was in order to entertain motions to suspend the rules, that the object of such motion was to suspend all rules, and the effect was to bring the House to an immediate vote on the pending motion.

6828. While the previous question was operating on a series of Senate amendments to a House bill it was held not in order to move to suspend the rules to admit a motion to take the vote on the amendments in gross.

Illustration of the earlier use of the motion to suspend the rules in order to permit the making of a motion not otherwise in order under the rules.

On March 3, 1855,⁵ the House had under consideration the Senate amendments to the civil and diplomatic appropriation bill. Mr. John C. Breckinridge, of Kentucky, moved, the rules having been suspended to enable him so to do, that the House agree to the report of the Committee of the Whole House on the state of the Union recommending disagreement to certain amendments of the Senate en masse.

This motion having been made, Mr. Breckinridge moved the previous question;⁶ which was seconded and the main question ordered, and under the operation thereof the said motion was agreed to.

¹ Second session Forty-fourth Congress, Journal, p. 15; Record, p. 11.

² Samuel J. Randall, of Pennsylvania, Speaker.

³ First session Fifty-second Congress, Journal, p. 349; Record, p. 6994.

⁴ Charles F. Crisp, of Georgia, Speaker.

⁵ Second session Thirty-third Congress, Journal, p. 564; Globe, pp. 1176, 1177.

⁶ Although the Journal is not definite as to what this motion for the previous question covered, the Chairman's ruling implies what the Globe's statement of the Chairman's ruling indicates (Globe, p. 1177) that it covered not only the amendments on which the Committee of the Whole recommended disagreement, but also all the remaining Senate amendments to the bill.

So the amendments were disagreed to.

Mr. Breckinridge moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Pending the question on agreeing to the remaining amendments of the Senate, Mr. John L. Dawson, of Pennsylvania, moved that the rules be suspended so as to enable him to move that the vote be taken en masse upon the remaining amendments of the Senate.

The Speaker pro tempore¹ decided that the previous question was still operating, and therefore the motion to suspend the rules was not in order.

Upon appeal the Chair was sustained.

6829. On March 23, 1842,² Mr. Speaker White ruled that a motion to suspend the rules could not be moved after the previous question had been ordered and before the main question had been put.

6830. On September 27, 1850,³ the House had ordered the previous question on certain amendments to the civil and diplomatic appropriation bill.

Thereupon Mr. Jacob Thompson, of Mississippi, moved to suspend the rules so as to move that when the House should adjourn it adjourn to 10 a. m. on the next day.

Mr. George W. Jones, of Tennessee, made the point of order that it was not in order to move a suspension of the rules after the main question had been ordered to be put.

The Speaker⁴ overruled the point of order.

Mr. Jones having appealed, the decision of the Chair was sustained.

6831. In the later, but not the earlier practice, the motion to suspend the rules has been admitted after the previous question has been moved.— On March 29, 1836,⁵ during the consideration of the contested election case of *Newland v. Graham*, from North Carolina, the previous question was moved on the resolutions reported from the Committee on Elections.

Pending this motion Mr. Abraham Rencher, of North Carolina, moved that the rules be suspended in order that he might offer the following resolutions:

Resolved, That by general agreement there shall be no further debate upon the resolutions of the committee or the resolutions proposed thereto in the form of an amendment.

Resolved, therefore, That the call for the previous question ought to be withdrawn, and that the House proceed to vote on each resolution contained in the amendment and that it be done without amendment.

The Speaker⁶ decided that pending a motion for the previous question the motion to suspend the rules was not in order.

Mr. Rencher having appealed, the decision of the Chair was sustained, yeas 107, nays 49.

¹ Solomon G. Haven, of New York, Speaker pro tempore.

² Second session Twenty-seventh Congress, Journal, p. 576.

³ First session Thirty-first Congress, Journal, p. 1550.

⁴ Howell Cobb, of Georgia, Speaker.

⁵ First session Twenty-fourth Congress, Journal, pp. 591-593; Debates, p. 3011.

⁶ James K. Polk, of Tennessee Speaker.

6832. On May 22, 1854,¹ Mr. Speaker Boyd held, during the dilatory proceedings over the Kansas-Nebraska bill, that a motion to suspend the rules was not in order during the pendency of the demand for the previous question.

6833. On January 22, 1877,² Mr. Fernando Wood, of New York, had offered a resolution providing for referring to a committee with instructions the message of the President of the United States relating to the use of troops in certain States.

Upon this Mr. Wood had demanded the previous question, when Mr. John A. Kasson, of Iowa, moved to suspend the rules, so as to enable him to submit and the House to adopt the following resolution:

Resolved, That Colorado is a State of the Union, and that James B. Belford, Representative-elect from said State, be sworn and admitted to his seat as such.

Mr. Wood insisted upon his right to the floor upon the demand previously made by him for the previous question.

After debate the Speaker³ held the motion of Mr. Kasson to suspend the rules to be first in order, and that the resolution submitted by Mr. Wood, if not disposed of before adjournment, would come up as the unfinished business after the reading of the Journal to-morrow.

6834. A Member who had submitted a motion to refer, which was pending, was permitted to move to suspend the rules to consider an entirely different matter.—On February 27, 1855,⁴ the Senate amendments to the Indian appropriation bill were before the House, and Mr. Solomon G. Haven, of New York, moved that they be referred to the Committee on Ways and Means.

Pending this motion, Mr. Haven moved that the rules be suspended so as to enable him to move that the Committee of the Whole House be discharged from the further consideration of the bill of the Senate (No. 285) entitled “An act for the relief of the heirs of Brig. Gen. Richard B. Mason.”

Mr. Lewis D. Campbell, of Ohio, made the point of order that the latter motion was out of order, on the ground that a Member can not submit two motions at the same time.

The Speaker pro tempore⁵ overruled the point of order, and decided that it was in order for a Member to submit two motions, if, as in the present case, the latter motion took precedence of the former.

From this decision of the Chair Mr. Campbell appealed, but on the succeeding day withdrew it.

6835. A motion to suspend the rules may be entertained, although the yeas and nays may have been demanded on a motion highly privileged under the rules.—On June 8, 1872,⁶ on the last legislative day of the session, Mr. James A. Garfield, of Ohio, moved that the rules be suspended so as to enable him to submit, and the House to agree to, the following resolution:

Resolved, That the House nonconcur in the amendments of the Senate to the House bill No. 2705, being the sundry civil appropriation bill, and agree to a conference thereon; and that upon the appointment of such committee the House do take a recess until 8 o'clock to-morrow evening.

¹ First session Thirty-third Congress, Journal, pp. 875–890; Globe, p. 1246.

² Second session Forty-fourth Congress, Journal, pp. 285, 286; Record, pp. 815–817.

³ Samuel J. Randall, of Pennsylvania, Speaker.

⁴ Second session Thirty-third Congress, Journal, pp. 483, 486; Globe, pp. 983, 994.

⁵ John Letcher, of Virginia, Speaker pro tempore.

⁶ Second session Forty-second Congress, Journal, p. 1099; Globe, pp. 4434, 4435.

Mr. Charles A. Eldridge, of Wisconsin, raised the point of order that the motion to suspend the rules was not in order while the motion for a recess was pending.

The Speaker¹ overruled the point of order, saying:

Pending the motion of the gentleman from Pennsylvania [Mr. Samuel J. Randall] that the House take a recess until 10 o'clock this evening, the gentleman from Wisconsin [Mr. Eldridge], moved an amendment, upon which he demands the yeas and nays.² Pending that call for the yeas and nays, the gentleman from Ohio [Mr. Garfield] moves to suspend the rules for the adoption of the resolution which has been read from the desk. The gentleman from Wisconsin raises the point of order that it is not in order to move to suspend the rules at this time. The Chair overrules the point of order.

Mr. Eldridge having appealed, the decision of the Chair was sustained.

6836. When the rules are suspended to enable a matter to be considered, another motion to suspend the rules may not be made during that consideration.—On December 16, 1841,³ on motion of Mr. Millard Fillmore, of New York, the rules were suspended for the purpose of taking up the message of the President. Then Mr. Fillmore offered resolutions distributing the message.

On December 27, the resolutions being still before the House as unfinished business, Mr. Joshua R. Giddings, of Ohio, moved to suspend the rules for the purpose of receiving reports and petitions.

The Speaker⁴ said a motion to suspend the rule would not be in order, inasmuch as, in the consideration of the unfinished business, the House was already acting under a suspension of the rule.

6837. On January 18, 1842,⁵ Mr. Joseph R. Ingersoll, of Pennsylvania, asked leave to offer a resolution instructing, the Committee on the Judiciary to report a bill to establish a uniform system of bankruptcy, etc., and, objection being made, he moved to suspend the rules for the purpose of presenting the resolution.

The Speaker⁴ decided that the motion was not in order, the House being already engaged in business under a suspension of the rule.

6838. A motion to suspend the rules is not in order during consideration of a bill under a special order.—On January 20, 1847,⁶ on motion of Mr. Charles J. Ingersoll, of Pennsylvania, the House bill (No. 622) making further provision for the expenses attending the intercourse between the United States and foreign nations (called the "three million bill," and relating to the Mexican war) was made a special order for the 1st of next February, then to take precedence of all other business until disposed of.

By postponement the consideration of the bill was once deferred, and was before the House on February 12, 1847, as unfinished business in Committee of the Whole House on the state of the Union.

On that day Mr. Ingersoll, of Pennsylvania, moved to suspend the rules so as to move that it should not be in order for any Member to move that the Committee of the Whole on the state of the Union rise that evening until 8 o'clock.

¹ James G. Blaine, of Maine, was Speaker; but the Globe indicates that this ruling was made by Henry L. Dawes, of Massachusetts, who was in the chair.

² The motion for a recess was highly privileged at that time.

³ Second session Twenty-seventh Congress, Globe, pp. 23, 58.

⁴ John White, of Kentucky, Speaker.

⁵ Second session Twenty-seventh Congress, Globe, p. 142.

⁶ Second session Twenty-ninth Congress, Globe, p. 401; Journal, p. 194.

The Speaker¹ said the motion was not in order, because the House was already acting under a suspension of the rules on a special order,² and two suspensions could not take place at the same time.

6839. While the House was acting under a special order, a motion to suspend the rules to enable a Member to exceed the hour rule of debate was admitted.—On January 14, 1861,³ Mr. Thomas Corwin, of Ohio, made the report of the select committee of one from each State “on so much of the President’s message as relates to the present perilous condition of the country,” which was made the special order for Monday, the 21st instant, at 1 p. m., and from day to day thereafter until disposed of.⁴

On January 21, the report being under consideration, Mr. Corwin having occupied the floor for one hour in debate, on motion of Mr. Sherrard Clemens, of Virginia (the rules having been suspended for that purpose), leave was given him to conclude his remarks.

Mr. John S. Millson, of Virginia, having occupied the hour allowed him by the rules for debate, Mr. Daniel E. Sickles, of New York, moved that the rules be suspended so as to enable Mr. Millson to continue his remarks.

Mr. Henry C. Burnett, of Kentucky, made the point of order that, inasmuch as the House was now acting under a suspension of the rules, a motion to suspend the rules was not now in order.⁵

The Speaker pro tempore,⁶ overruled the point of order, on the ground that the present motion was immediately connected with the business now before the House.

From this decision of the Chair Mr. Burnett appealed. The appeal was laid on the table.

6840. A Member may modify his motion to suspend the rules at any time before the House has ordered a second.—On September 3, 1888⁷ (a suspension day), the regular order of business was announced as the consideration of the motion of Mr. William Warner, of Missouri, submitted on August 6 last (a suspension day), to suspend the rules and pass a resolution to fix a day for the consideration of the bill (H. R. 10614) to organize the Territory of Oklahoma, etc., and providing for taking a vote thereon.

This resolution had been presented on September 3, and, pending the vote by tellers on the second of the motion to suspend the rules, the House had proceeded to other business and adjourned.

¹ John W. Davis, of Indiana, Speaker.

² Special orders were formerly made by unanimous consent or by suspension of the rules. They are generally made now by reports from the Committee on Rules.

³ Second session Thirty-sixth Congress, Journal, pp. 190, 212.

⁴ This special order while in reality a suspension of the rules was made by unanimous consent rather than by a motion and vote on suspension.

⁵ This is the Journal statement, and while technically the official record, is evidently curiously inaccurate. The *Globe* (Appendix, pp. 75, 79) indicates that Mr. Burnett made the point, not that the House was acting under suspension of the rules, but that another motion to suspend the rules, made on the last preceding suspension day (Journal, p. 190) and relating to another project of legislation, was pending as unfinished business. The *Globe* also shows that Mr. Burnett made the same point of order on Mr. Clemens’s motion.

⁶ Garnett B. Adrain, of New Jersey, Speaker pro tempore.

⁷ First session Fiftieth Congress, Journal, pp. 271, 2722; Record, p. 8232.

The resolution having come up on September 3, Mr. Warner modified his motion by withdrawing the resolution and submitting a motion to suspend the rules and pass a bill to organize the Territory of Oklahoma.

Mr. Charles E. Hooker, of Mississippi, made the point of order that Mr. Warner could not modify the motion, formerly submitted by him, in the manner proposed.

The Speaker¹ overruled the point of order upon the grounds that a Member had the right to change or modify a proposition submitted by him at any time before the House has taken such action on it as placed it within the control of the House and beyond the control of the Member; that the present instance did not present a question as to the relevancy of amendments, but one merely as to the form in which the Member proposed to submit a proposition upon which the House had not acted in any manner. The Speaker said:

The question as to the right of a Member to change or modify a motion or proposition submitted by him before the House has acted upon it in any way has frequently arisen and frequently been decided. The present occupant of the chair has always held that when a Member has submitted a motion or proposition to the House, whether in the form of an original motion or as an amendment to a pending motion, it is his right to modify or change it at any time before it is voted upon, or before the previous question has been ordered, or before the adoption of any other action on the part of the House which places the matter beyond the control of the Member and within the control of the House.

In the present instance it is not, as the gentleman from Mississippi argues, a question of amendment. It is a question merely as to the form in which the gentleman from Missouri will submit the proposition, the House not having acted upon it in any manner whatever. It is quite true, as stated, both by the gentleman from Illinois [Mr. Payson] and the gentleman from Mississippi, that the proposition is a different one from that submitted by the gentleman some time ago. But it relates to the same subject-matter. The proposition was to fix a day for the consideration of this bill; and this proposition is—that time having passed by—to vote upon the bill now. It is still, however, in the power of the House to determine whether it will or will not second that proposition, so that the matter is entirely and absolutely within the control of the House and not within the control of the Chair.

If the gentleman from Missouri sees proper to modify his proposition or take the risk of having the House second and pass it, of course the Chair has no control over the matter.

Suppose, for instance, the time fixed in the original resolution for the consideration of the bill had now lapsed and the gentleman should so modify his motion as to fix to-morrow for its consideration. The Chair thinks it would be admissible, and the Chair can not see any difference in principle between that and a motion to suspend the rules and pass the bill now.

6841. The rules having been suspended to enable a Member to present a proposition, he may not then modify it.—On January 17, 1850,² Mr. Speaker Cobb decided that, in a case where the rules were suspended to enable a Member to present a resolution, the Member lost control of the resolution and could not then modify it.

6842. On September 23, 1850,³ Mr. Speaker Cobb ruled, and the House sustained him in that decision, that when the rules were suspended to allow a proposition to be introduced the proposition might be amended by any germane proposition.

6843. On September 2, 1850,⁴ Mr. Linn Boyd, of Kentucky, moved to suspend the rules to enable him to make the bill in relation to the Texan boundary a special order from day to day until it should be disposed of.

¹ John G. Carlisle, of Kentucky, Speaker.

² First session Thirty-first Congress, Globe, p. 1224.

³ First session Thirty-fourth Congress, Journal, pp. 1508. 1509; Globe, p. 1922.

⁴ First session Thirty-first Congress, Globe, p. 1727.

Mr. Jacob Thompson, of Mississippi, suggested that the motion be modified to make the bill a special order each day at 12 o'clock.

Mr. Boyd announced that he would not modify his motion at present.

Thereupon the Speaker¹ announced to the gentleman from Kentucky (Mr. Boyd) that if the rules were suspended it would be beyond the power of the gentleman to modify it, as it would then be in possession of the House.

6844. A motion to suspend the rules may be withdrawn at any time before a second is ordered.—On November 3, 1893,² the House was considering a motion of Mr. James D. Richardson, of Tennessee, to suspend the rules and concur in a Senate amendment to a joint resolution (H. Res. 86) relating to certain employees.

The House proceeded to vote by tellers on the question of seconding the motion to suspend the rules.

Mr. Richardson then withdrew the pending motion to suspend the rules.

Mr. C. B. Kilgore, of Texas, made the point of order that, pending the vote on seconding the motion, it was not in order to withdraw it.

The Speaker³ overruled the point, holding that the motion might be withdrawn at any time before the second was ordered and that the motion was not in possession of the House until seconded.

6845. A second not having been ordered on a committee motion to suspend the rules, the committee may on a succeeding suspension day withdraw the motion.

The admission of the motion to suspend the rules on a committee suspension day is a matter of recognition by the Chair.

On December 15, 1890,⁴ the Speaker announced as the pending order of business the motion of Mr. Osborne, on behalf of the Committee on Military Affairs, to suspend the rules so as to discharge the Committee of the Whole House from the further consideration of the bill of the Senate (S. 1636) for the relief of certain officers on the retired list of the Army, and pass the same, coming over from the session of August 18 as unfinished business, the pending question being on the demand of Mr. Dockery for a second to the motion, on which question no quorum voted by tellers. The point of no quorum having been raised, the House adjourned.

Mr. Edwin S. Osborne, of Pennsylvania, withdrew the motion to suspend the rules so as to pass the bill.

Mr. Francis B. Spinola, of New York, by direction of the Committee on Military Affairs, moved that the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill of the House (H. R. 3887) for the erection and completion of a monument to the memory of the victims of prison ships at Fort Greene, Brooklyn, and pass the same.

Mr. Joseph G. Cannon, of Illinois, made the point of order that the unfinished business which the Committee on Military Affairs had the right to have considered

¹ Howell Cobb, of Georgia, Speaker.

² First session Fifty-third Congress, Journal, pp. 174, 175; Record, p. 3127.

³ Charles F. Crisp, of Georgia, Speaker.

⁴ Second session Fifty-first Congress, Journal, p. 55; Record, pp. 488, 489.

at this time having been withdrawn the committee could not now present other and entirely new business.

After debate the Speaker¹ overruled the point of order on the following grounds:

The Chair has been unable to find any authority upon this point, and thinks that perhaps, after all, the matter is one of recognition by the Chair. The Committee on Military Affairs proposed a certain bill. Pending any action whatever upon the subject by the House, an adjournment was had. There being no decision by the House, if an individual Member had proposed the measure he would have had the right to withdraw it without the consent of anyone, and the Chair supposes the committee must be considered as having a similar right. Therefore, in analogy to what would be held if it were the case of an individual Member, the Chair will now call the Committee on Military Affairs.

6846. Under the later practice it is possible by one motion both to bring a matter before the House and pass it under suspension of the rules.²—On February 25, 1868,³ Mr. Elihu B. Washburne, of Illinois, moved to suspend the rules and agree to a resolution providing a special order for considering the impeachment of President Andrew Johnson.

Mr. Lawrence S. Trimble, of Kentucky, made the point of order that the House had a right to vote first on suspending the rules, and then on agreeing to the resolution.

The Speaker⁴ overruled the point of order. And then the motion was made, and the House gave consent to introduce the resolution, and also adopted it at one vote.

Immediately before this the House, on motion of Mr. Washburne, had agreed to a rule that after a motion to suspend the rules the Speaker should entertain only one motion to adjourn, and after that no dilatory motion.

6847. On March 22, 1869,⁵ Mr. Halbert E. Paine, of Wisconsin, moved to suspend the rules and adopt a resolution relating to the disposal of contested election cases.

Mr. Albert G. Burr, of Illinois, rising to a parliamentary inquiry, asked whether or not the motion to suspend the rules would cut off debate on the resolution after the rules were suspended.

The Speaker⁶ said:

The motion as framed by the gentleman from Wisconsin proposes that the rules shall be suspended and the resolution adopted at one vote. It is in order for him to put the motion in that form, and the Chair understands that to be his motion.

6848. On a committee suspension day a committee may not move to suspend the rules and pass a bill over which it has no jurisdiction.—On April 21, 1884,⁷ Mr. S. S. Cox, of New York, on a committee suspension day, proposed, by direction of the Committee on Census, to move the suspension of the

¹Thomas B. Reed, of Maine, Speaker.

²This ruling of 1868 first established the practice which now prevails almost entirely, of combining the motion to suspend the rules with the motion to pass the bill. The older practice is illustrated by sections 6852, 6854 of this chapter.

³Second session Fortieth Congress, Globe, p. 1425.

⁴Schuyler Colfax, of Indiana, Speaker.

⁵First session Forty-first Congress, Globe, p. 197.

⁶James G. Blaine, of Maine, Speaker.

⁷First session Forty-eighth Congress, Record, p. 3402.

rules and the passage of a bill relating to the printing of the compendium of the Tenth Census.

Mr. Alfred M. Scales, of North Carolina, made a point of order against the motion on the ground that the bill had never been introduced in the House, and also that it was within the jurisdiction of the Committee on Printing.

After debate the Speaker¹ said:

There is no difficulty, of course, in the case of an individual Member moving a suspension of the rules on the first Monday of the month, because every individual Member of the House has the right to introduce a bill on any subject he chooses. But it is not so with the committees of the House, for their jurisdiction and powers are defined by the rules. A committee has no right to submit any report to the House unless it relates to a subject over which it has jurisdiction by the rules of the House or by the reference of the subject to it by the order of the House. The Chair thinks it would create very great confusion in the administration of the rules and in the business of legislation if on the third Monday of the month a committee were allowed to move to suspend the rules and pass a bill relating to a subject over which the committee had no jurisdiction, and by that means take the subject away from another committee to which it properly belongs. The point of order is sustained.

6849. On one motion to suspend the rules a vote whereby a resolution had been passed was reconsidered, the resolution amended, and as amended passed.—On February 6, 1899,² a suspension day, Mr. Eugene F. Loud, of California, offered for reconsideration a resolution which had passed the House on a former day, and asked that the rules be suspended and that the resolution be passed again in an amended form.

In response to a parliamentary inquiry as to the proper form of procedure the Speaker³ said:

The gentleman can move to suspend the rules, reconsider the vote already taken, and pass the resolution with the amendment which has just been read.

Thereupon on one motion and at one vote the passage of the resolution was reconsidered, the amendment was agreed to, and the resolution as amended was passed again.

6850. A motion to suspend the rules may include in its provisions both the discharge of a committee from the consideration of a bill and the final passage of it.—On March 3, 1890,⁴ Mr. Bishop W. Perkins, of Kansas, moved to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill of the House (H. R. 6786) to organize the Territory of Oklahoma, to establish courts in the Indian Territory, and for other purposes, and pass the same.

Mr. George T. Barnes, of Georgia, made the point of order that the motion was not in order for the reason that the bill was pending in committee as a substitute for the bill of the Senate (S. 895) to provide a temporary government for the Territory of Oklahoma.

The Speaker³ overruled the point of order on the ground that the statement of fact was not correct, and that the motion to suspend the rules would, if adopted,

¹ John G. Carlisle, of Kentucky, Speaker.

² Third session Fifty-fifth Congress, Record, p. 1504.

³ Thomas B. Reed, of Maine, Speaker.

⁴ First session Fifty-first Congress, Journal, p. 298; Record, p. 1881.

suspend all rules in the way of its immediate consideration and bring the House to a vote on the motion.

6851. The rules may be suspended by a single motion and vote, so as to permit the House to vote first on a specified amendment to a bill and then on the bill itself.—On January 17, 1876,¹ Mr. John D. White, of Kentucky, offered the following resolution:

Resolved, That the rules be suspended so as to enable the House to proceed forthwith to vote on the passage of the following bill:

A BILL to remove the disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Be it enacted, etc., That all persons now under the disabilities imposed by the fourteenth amendment to the Constitution of the United States, with the exception of Jefferson Davis, late president of the so-called Confederate States, shall be relieved of such disabilities upon their appearing before any judge of a United States court, and taking and subscribing, in open court, the following oath, to be duly attested and recorded, namely:” [Here follows the form of oath.]

The House first, however, voting on the following amendment thereto:

Strike out the following words: “with the exception of Jefferson Davis, late president of the so-called Confederate States.”

Mr. Samuel J. Randall, of Pennsylvania, made the point of order that there could not be a vote on a bill and amendment under the suspension of the rules; that the vote must be on the final passage of a proposition intact.

The Speaker² said:

In the judgment of the Chair, without making any criticisms upon the form in which the gentleman from Kentucky has put his resolution, it is not competent to exclude any part of his proposition from the consideration of the House. The Chair must therefore regard the latter words of the resolution as it is introduced as constituting in fact a part of the preliminary words, and as in substance, therefore, stating that the desire of the gentleman from Kentucky is to introduce this bill for two purposes: First, that there shall be a vote upon a proposed amendment; and, second, that there shall be a vote upon the bill itself, whether amended or not. It is suggested that it is not competent for the gentleman to do this under a suspension of the rules; but in response to that the Chair will suggest that the very purpose of a suspension of the rules is to get rid of all rules and to let the House run as freely as it pleases. The Chair overrules the point of order and holds that the motion is in order.

The Speaker then stated that the question was on suspension of the rules so as to bring the bill before the House.

6852. In the early practice the motion to suspend the rules was used only to enable a matter to be taken up, and was not permitted when a subject was already before the House.—On March 21, 1842,³ a Member endeavored to make a motion that the rules be suspended and that the House resolve itself into Committee of the Whole. The Speaker⁴ decided that the motion could not be entertained. When the incident was journalized the motion was put in the form that the rules in relation to the order of business be suspended to enable a motion to be made that the House go into Committee of the Whole. This was the original form and use of the motion to suspend. The Speaker in effect decided that the motion to suspend was not in order when another subject was before the House.

¹ First session Forty-fourth Congress, Record, p. 444.

² Michael C. Kerr, of Indiana, Speaker.

³ Second session Twenty-seventh Congress, Journal, p. 560; Globe, p. 342.

⁴ John White, of Kentucky.

6853. On February 22, 1855,¹ Mr. Speaker Boyd expressed the opinion, well considered, that generally motions to suspend the rules were not in order while a subject was pending before the House.

6854. Illustration of the earlier practice of moving to suspend the rules in order to introduce for consideration under the rules a proposition that might not otherwise be admissible in the order of business.

By the later practice, when the rules are suspended to enable a Member to submit a proposition, he may withdraw it, but another Member may not renew it.

A motion having been withdrawn pending an appeal from a decision that it was in order, it was held that the appeal did not thereby fall.

On May 16, 1834,² the House resumed the consideration of the resolution moved by Mr. Samuel W. Mardis, of Alabama, on the 14th of January, relative to the selection of banks in which to deposit the public money.

The question recurred on the amendment moved by Mr. Thomas Corwin, of Ohio, on the 12th of April, and after further debate the hour expired, when a motion was made by Mr. Franklin E. Plummer, of Mississippi, that the rule setting apart Friday (this day) for the consideration of private business be suspended for the purpose of affording Mr. John Galbraith, of Pennsylvania, an opportunity of closing his remarks upon the resolution. And on the question, Shall the rule be suspended for the purpose aforesaid? it passed in the affirmative, two-thirds voting therefor.

Mr. Galbraith then resumed his remarks; and, having concluded the same, a motion was made by Mr. Ratliff Boon, of Indiana, that the rule be again suspended, to enable Mr. Andrew Stewart, of Pennsylvania, who intimated a wish to do so, to make a motion that the resolution do lie on the table. And on the question, Shall the rule be suspended for the purpose aforesaid? it was passed in the affirmative, two-thirds voting therefor.

A motion was then made by Mr. Stewart that the resolution and the amendment proposed by Mr. Corwin do lie on the table. And before the question was put thereon Mr. Stewart withdrew his motion.

The motion that the resolution and the amendment proposed by Mr. Corwin do lie on the table was then renewed by Mr. S. McDowell Moore, of Virginia; and an inquiry was made whether the motion of Mr. Moore could be received without again suspending the rule.

The Speaker pro tempore³ decided that the suspension of the rule was for the purpose of receiving a motion to lay the resolution on the table and to come to a decision on that motion, and it was immaterial by whom the motion might be made, and that the motion made by Mr. Moore would therefore be entertained.

From this decision Mr. John Quincy Adams, of Massachusetts, appealed to the House, on the ground that the motion was to suspend the rule for the purpose of enabling Mr. Stewart to move that the resolution do lie on the table, and that Mr. Stewart having made his motion and withdrawn it, it was necessary that the rule should be again suspended, before the motion could be renewed by any other Member.

¹Second session Thirty-third Congress, Globe, p. 890.

²First session Twenty-third Congress, Journal, p. 631.

³Henry Hubbard, of New Hampshire, Speaker pro tempore.

And after debate on the appeal, Mr. Moore withdrew his motion that the resolution and amendment do lie on the table.

An inquiry was then made of the Chair whether the withdrawal of the motion, that the resolution do lie on the table, set aside the question on the appeal made by Mr. John Quincy Adams.

The Speaker decided that the appeal did not fall¹ by the withdrawal of the motion that the resolution do lie on the table, and that the question on the appeal was the question then pending before the House.

Mr. Isaac B. Van Houten, of New York, then renewed the motion that the resolution and amendment do lie on the table.

And the question was then put on the appeal moved by Mr. John Quincy Adams, viz, Shall the decision of the Speaker stand as the judgment of the House? And passed in the affirmative, 150 yeas to 13 nays.

6855. On December 31, 1860,³ Mr. John G. Davis, of Indiana (the rules having been suspended for that purpose), submitted the following preamble and resolution:

Whereas a convention of delegates chosen by the people of the State of South Carolina lately, to wit, on the — day of December, 1860, adopted the following ordinance, namely: "We, the people of South Carolina, in convention assembled, do declare and ordain that the ordinance adopted by us in the convention of the 23d of May, 1778, whereby the Constitution of the United States was ratified, and the acts ratifying amendments to the said Constitution, are hereby repealed, and the union now subsisting between South Carolina and the other States, under the name of the United States of America, is hereby dissolved."

And whereas the said State of South Carolina, in pursuance thereof, and the proclamation of the governor of said State, claims to be a separate and independent government, and is attempting to exercise the powers of such separate and independent government: Therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the same, and to report to this House, at any time, what legislation, if any, has become necessary on the part of Congress in consequence of the position thus assumed by the said State of South Carolina.

Pending the question on agreeing thereto the House adjourned.

On January 2, 1861, the Speaker having announced as the regular order of business the preamble and resolution submitted by Mr. John G. Davis, and pending when the House adjourned, the pending question being on the demand for the previous question—

The question was put on the demand, when the House refused to second the same.

The question then recurring on the resolution, Mr. Davis withdrew the preamble and resolution.

Mr. John Sherman, of Ohio, having claimed the privilege of submitting anew the preamble and resolution, on the ground that the rules had been suspended for the purpose of enabling the House to consider the same, Mr. Thomas S. Boccock, of Virginia, made the point of order that it was not competent for him to do so.

¹ On January 4, 1831 (second session Twenty-first Congress, Debates, p. 404), during discussion of a point of order in Committee of the Whole, Mr. Speaker Stevenson, while participating in the debate, expressed the opinion that an appeal fell by reason of the withdrawal of the motion on which it was based.

² Second session Thirty-sixth Congress, Journal, pp. 131, 140; Globe, pp. 233, 235, 244.

Mr. Sherman based his claim to the right to renew the motion upon the ruling made in the Twenty-third Congress by Speaker pro tempore Hubbard, which, on appeal by Mr. John Quincy Adams, of Massachusetts, was sustained by a vote of the House.

Mr. Boccock contended that the decision had been wrong when made; had been made not by the Speaker but by a temporary occupant of the chair; had been made many years before and never since affirmed.

The Speaker¹ ruled:

The fortieth rule² reads as follows: "After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment." The Chair has already decided that the gentleman from Indiana had the right to withdraw his proposition, for the reason that there has been no decision upon it or amendment to it. From that decision no appeal was taken. The gentleman from Ohio now insists that he has the right to renew the proposition of the gentleman from Indiana, and claims that when the rules are suspended to enable the Member to submit a particular proposition, if he fails to submit it, another Member may do so. Now, the question between the gentleman from Ohio and the Chair is whether it can be said, according to a fair construction of the rules, that the gentleman from Indiana has not submitted his proposition. The gentleman from Indiana submitted his proposition, and some time was spent in its consideration, but, before a decision was come to, he withdrew it. Now, the question for the consideration of the Chair is simply this: Whether that is within the rule referred to by the gentleman from Ohio. I confess that I think it is not, and especially as the rules have been suspended to admit the resolution of the gentleman from Indiana; and now, the business having been continued to this day, the rules could not, under the rules of the House, be suspended again. The Chair thinks the proposition could not be renewed.

Mr. Sherman having appealed, a motion to lay the appeal on the table failed, 73 yeas to 77 nays. Then began a contest, during which the vote was reconsidered, but on the second trial the motion to lay the appeal on the table was again negatived, 80 yeas to 82 nays.

On the next day Mr. Sherman withdrew his appeal.

6856. Where the rules have been suspended simply to enable a proposition to be introduced, it has been the practice to permit motions to amend it during consideration.—On April 17, 1848,³ Mr. Samuel F. Vinton, of Ohio, moved that the rules be suspended for the purpose of enabling him to introduce the following resolution:

Resolved, That the bill making appropriations for the payment of Revolutionary and other pensions, etc.; the bill regulating the appointment of clerks in the Executive Departments, etc. (and five other bills, each an appropriation bill), be severally made the special order of the day for Wednesday next, at 1 o'clock p.m., to be considered in the order named above; and that they continue to be the special order of the day, at the same hour of the day, for every day thereafter, Fridays and Saturdays⁴ excepted, till the said bills shall have been finally disposed of.

The rules were suspended and the resolution was introduced. The question was stated on agreeing thereto, when Mr. Orlando B. Ficklin, of Illinois, moved to amend by adding the bill "to establish a Territorial government in Oregon," and the bill "to raise, for a limited time, an additional military force."

¹ William Pennington, of New Jersey, Speaker.

² Now section 2 of Rule XVI.

³ First session Thirtieth Congress, Journal, p. 692.

⁴ These were then private-bill days.

This amendment was agreed to, and the question was then put, Will the House agree to the said resolution as amended? and it was decided in the negative, two-thirds not voting therefor, yeas 74, nays 101.¹

6857. It was held in order by one motion and vote to suspend the rules so as to permit several bills to be reported.—On February 16, 1857,² Mr. Elihu B. Washburne, of Illinois, moved that the rules be suspended, so as to enable him to report sundry bills from the Committee on Commerce, and also to make sundry adverse reports from that committee, in order that the same might be committed to the Committee of the Whole House on the state of the Union.

Mr. Fayette McMullin, of Virginia, made the point of order that it was not competent to include a number of bills in the motion.

The Speaker³ overruled the point of order.

An appeal having been taken, it was laid on the table.

6858. A motion to amend may not be applied to a motion to suspend the rules.—On January 22, 1849,⁴ Mr. Henry W. Hilliard, of Alabama, moved that the rules be suspended in order to enable him to introduce two bills,⁵ one to authorize the formation of a State government in and the admission into the Union of California, and the other respecting the limits of New Mexico, and to move that they be referred to a select committee of nine Members.

Mr. Thomas O. Edwards, of Ohio, inquired if it was in order to move to amend the motion. He would prefer to have the bill respecting New Mexico go to the Committee on Territories.

The Speaker⁶ replied that a motion to suspend the rules could not be amended.

6859. On February 24, 1859,⁷ the Committee of the Whole House on the state of the Union reported that the committee, having, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (H. R. 712) making appropriations for the naval service for the year ending June 30, 1860, had come to no resolution thereon.

Mr. John S. Phelps, of Missouri, moved that the rules be suspended, so as to enable him to submit the following resolution:

Resolved, That all debate in the Committee of the Whole House on the state of the Union on the bill (H. R. 712) shall cease at 11 o'clock a. m. to-morrow, and that in the meantime no vote shall be taken in Committee of the Whole except that the committee do rise or take a recess, and afterwards in the House that it do adjourn.

Pending this, Mr. James L. Seward, of Georgia, proposed to submit an amendment thereto.

¹The Globe (p. 639) shows that the Speaker [Robert C. Winthrop] decided that the resolution might be amended by a majority; but would require a two-thirds vote for its adoption.

²Third session Thirty-fourth Congress, Journal, p. 432; Globe, p. 708.

³Nathaniel P. Banks, of Massachusetts., Speaker.

⁴Second session Thirtieth Congress, Globe, pp. 319, 320.

⁵The old rule (Rule CXIV) was still in force: "Every bill shall be introduced on the report of a committee or by motion for leave. In the latter case at least one day's notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk and having it entered on the Journal," etc. Now a Member introduces any bill he pleases by filing it at the Clerk's desk, whence it is referred to the committee having jurisdiction.

⁶Robert C. Winthrop, of Massachusetts, Speaker.

⁷Second session Thirty-fifth Congress, Journal, p. 477; Globe, p. 1324.

The Speaker¹ decided that the motion to suspend the rules was not amendable.

From this decision of the Chair Mr. Seward appealed. The appeal was laid on the table.

6860. During consideration of a motion to suspend the rules and pass a bill it is not in order to move to commit the bill, or to demand a separate vote on amendments pending with the bill.—On February 18, 1901,² a committee suspension day, the House was considering the bill (H. R. 1917) to limit the meaning of the word “conspiracy,” and also the use of “restraining orders and injunctions” as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations.

A second had been ordered on the motion to suspend the rules and pass the bill with certain amendments recommended by the Committee on the Judiciary.

Mr. John B. Corliss, of Michigan, rising to a parliamentary inquiry, asked if, under a motion to suspend the rules, a motion to recommit was in order.

The Speaker³ replied that it was not.

Mr. Corliss then asked if there was any way whereby a separate vote could be taken on the bill and the amendments.

The Speaker replied that there was not.

6861. The rules being suspended to enable a bill to be reported and considered, the requirement that it should be considered in Committee of the Whole was held to be thereby waived.—On July 8, 1856,⁴ the House resumed consideration of Senate Resolution No. 17 for enlarging and constructing certain public buildings, reported from the Committee on Commerce under a suspension of the rules,⁵ with an amendment.

Mr. Fayette McMullin, of Virginia, raised the question of order that the resolution could not be considered in the House until it had first been considered in Committee of the Whole, inasmuch as it contained an appropriation of money.

The Speaker⁶ overruled the question of order, on the ground that the rules were suspended not only to enable the resolution to be reported with the accompanying amendment, but also to enable the House to consider the same.

An appeal was taken and laid on the table.

6862. It has long been established that one of the standing rules of the House may be changed by a two-thirds vote on a motion to suspend the rules.—On June 17, 1850,⁷ Mr. John Wentworth, of Illinois, moved to suspend the rules in order that the Committee of the Whole House on the state of the Union might be instructed to report the President’s message transmitting the constitution of California, and also a bill admitting California to the Union.

¹ James L. Orr, of South Carolina, Speaker.

² Second session Fifty-sixth Congress, Record, pp. 2589–2592.

³ David B. Henderson, of Iowa, Speaker.

⁴ First session Thirty-fourth Congress, Journal, pp. 1172, 1173; Globe, p. 1558.

⁵ It is no longer necessary to suspend the rules to get matters reported.

⁶ Nathaniel P. Banks, of Massachusetts, Speaker.

⁷ First session Thirty-first Congress, Globe, p. 1226.

Mr. Robert Toombs, of Georgia, made the point of order that it was not competent for the House, by a suspension of the rules, to change one of its standing rules and orders. One day's notice was required for a change of the rules.

The Speaker¹ ruled as follows:

The Chair will state to the House his opinion on the point of order raised by the gentleman from Georgia. If this resolution was introduced on resolution day, when the States were called for resolutions,² the Chair would unhesitatingly rule it out of order; it is not now proposed as the regular order of business on resolution day, but it is proposed to suspend the rules of the House in order to introduce it. The Chair holds that you may repeal any rule of the House under a suspension of the rules; you may suspend the operation of the rules of the House under a suspension of the rules; and, therefore, a motion to suspend the rules, to offer a resolution of this kind, in the opinion of the Chair, is in order, though such a resolution on resolution day would be very clearly out of order.

The Chair will illustrate: If a motion is made to amend one of the rules of the House, the rule referred to by the gentleman from Georgia would require that the motion should lie over one day;³ but that rule can be suspended by a vote of two-thirds as well as any other rule, and all the rules of the House conflicting with the resolution proposed to be introduced can, by a vote of two-thirds, be suspended. In taking this view of the subject the Chair will state that he has bestowed much reflection upon this point, it having been suggested to him at an early stage of the session; and he is clearly of the opinion that such a resolution would not be in order on resolution day, because a majority of the House can not suspend the rules of the House on resolution day, or any other day; but two-thirds of the House can suspend the rules at any time, when a motion to suspend is in order.

¹ Howell Cobb, of Georgia, Speaker.

² Resolutions are now introduced by filing them.

³ This provision of rule no longer exists.